

Applicant: Deckers et al.  
Application Serial No.: 10/645,425  
Filing Date: August 21, 2003  
Docket No.: 1520-2 CIP/PCT/US  
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## **REMARKS/ARGUMENTS**

### **Introduction**

Claims 1-28 are pending in this application. Claims 1, 2, 4 and 11 have been amended. Claim 28 has been newly added. Claims 15-27 have been cancelled without prejudice. Applicant reserves the right to prosecute these claims in a divisional application. No new matter has been introduced through this amendment.

Claims 4 and 17 have been objected to based on inconsistent claim language. Claim 4 has been amended to include "Ar is phenyl, optionally substituted or being part of a larger aromatic entity" as recited in the specification on page 4, lines 11-12. Claim 17 has been cancelled without prejudice. Therefore, the objection is believed to be moot in view of these amendments.

Claims 11 and 24 have been objected to based on uncertainty in the use of the term "capable". Claim 11 has been amended to remove the phrase using "capable" and adding "generating a cationic transition metal species with a non-coordinating anion" as in page 5, lines 28-29 of the specification. Claim 24 has been cancelled without prejudice. Therefore, the objection is believed to be moot in view of these amendments.

### **Rejections under 35 U.S.C. §112**

The Examiner has rejected claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point-out and distinctly claim the subject matter which Applicant regards as the invention.

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Specifically, the Examiner has rejected claim 5 based on the use of the term "preferably". Applicant traverses the rejection based on the fact that the term "preferably" is not found in claim 5. Therefore, withdrawal of the rejection is respectfully requested.

Claims 1-14 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point-out and distinctly claim the subject matter. Specifically, the Examiner has rejected claim 1 as providing a use but does not set further any steps involved in the process. Claim 1 has been amended accordingly. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

#### **Rejection under 35 U.S.C. §101**

Claims 1-14 have been rejected under 35 U.S.C. §101 because the Examiner alleges claim 1 recites a use without setting forth the steps involved in the process. Claim 1 has been amended to include steps in the process. Therefore, reconsideration and withdrawal of the rejection to claims 1-14 are respectfully requested.

#### **Rejection under 35 U.S.C. §102**

Claims 15-22 have been rejected under 35 U.S.C. §102(b) as being anticipated by Saßmannshausen *et al* (*J. Organomet. Chem*,1999). Claims 15-22 have been cancelled without prejudice. Therefore, the rejection is believed to be moot and withdrawal of the rejection is requested.

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**Rejection under 35 U.S.C. §103**

Claims 24 and 25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Saßmannshausen *et al.* in view of U.S. Patent No. 5,043,515 to Slaugh *et al.* Claims 24 and 25 have been canceled without prejudice. Therefore, the rejection is moot and withdrawal is requested.

Claims 26 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Saßmannshausen *et al.* in view of WO 96/27439 to Horton *et al.* Applicant traverses the rejection. Claims 26 and 27 have been canceled without prejudice. Therefore, the rejection is moot and withdrawal of the rejection is requested.

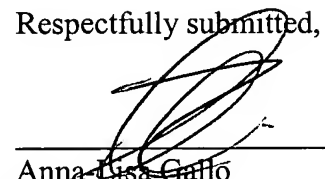
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**CONCLUSION**

In view of the above-amendments and comments, Applicant respectfully submits that this application, including claims 1-14, is believed to be in condition for allowance. Favorable action is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



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Anna-Lisa Gallo  
Registration No.: 50,279  
Attorney for Applicant(s)

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700